



REC  
08/22/03  
#7

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	)	
JAMES W. LANDES, ET AL.	)	
Application No.: 09/977,726	)	Art Unit: 3618
Filed: October 15, 2001	)	Examiner: Swenson, Brian L.
For: APPARATUS AND METHOD FOR	)	Paper No.: 6
DATA COMMUNICATION	)	
Attorney Docket No.: 01-521	)	
_____		

Peoria, Illinois 61629-6490

Date: July 25, 2003

Mail Stop AF  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

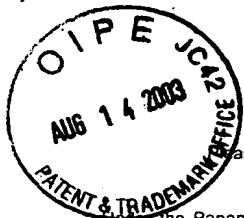
RESPONSE AFTER FINAL OFFICE ACTION AND  
REQUEST FOR WITHDRAWAL OF FINALITY  
OF THE OFFICE ACTION

Sir:

In response to the Official Action mailed April 28, 2003, the period for response being until July 28, 2003, please consider the following comments and remarks.

INTRODUCTORY COMMENTS

Reconsideration of the claims and reconsideration of the finality of the prior Office action in light of the accompanying remarks is respectfully requested.



Please type a plus sign (+) inside this box



PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/977,726
Filing Date	10/15/2001
First Named Inventor	James W. Landes ET AL.
Group Art Unit	3618
Examiner Name	Swenson, Brian L.
Attorney Docket Number	01-521

Total Number of Pages in This Submission **10**

## ENCLOSURES (check all that apply)

- ☐ Fee Transmittal Form
- ☐ Fee Attached
- ☒ Amendment / Reply
  - ☒ After Final
  - ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/Incomplete Application
- ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

- ☐ Assignment Papers (for an Application)
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) \_\_\_\_\_

- ☐ After Allowance Communication to Group
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☐ Other Enclosure(s) (please identify below):

Remarks

*Faxed to: 703-305-7687*

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	D. James Barnes, Registration No. 48,869
Signature	<i>D. James Barnes</i>
Date	July 25, 2003

## CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office on this date:

07/25/2003

Typed or printed name	D. James Barnes		
Signature	<i>D. James Barnes</i>	Date	7/25/2003

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



Rec  
08/22/03  
#7

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of )  
JAMES W. LANDES, ET AL. ) Art Unit: 3618  
Application No.: 09/977,726 ) Examiner: Swenson, Brian L.  
Filed: October 15, 2001 ) Paper No.: 7  
For: APPARATUS AND METHOD FOR )  
DATA COMMUNICATION )  
Attorney Docket No.: 01-521 )

Peoria, Illinois 61629-6490

Date: August 11, 2003

Mail Stop AF  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

RECEIVED  
AUG 19 2003  
GROUP 3600

STATEMENT OF THE SUBSTANCE OF THE INTERVIEW

Sir:

In response to the Interview Summary mailed July 25, 2003 regarding a telephone interview of July 11, 2003 between the Supervisory Patent Examiner (Brian L. Johnson) and Applicants' representative (D. James Barnes), the following summary is provided.

It is submitted that the Supervisory Patent Examiner's Interview Summary accurately reflects the substance of the interview. Applicants' representative requested reconsideration of the Finality of the Office action mailed April 28, 2003 as premature since Applicants' most recent amendments to the independent claims of the application were minor in nature and did not necessitate the Examiner's new ground of rejection.

According to the Supervisory Patent Examiner's request, Applicants submit that a formal response to each and every rejection in the Office action, along with a formal request for reconsideration/withdrawal of finality of the previous Office action, was

transmitted via facsimile to the Patent Office on July 25, 2003. For the Examiner's convenience, a copy of Applicants' submission of July 25, 2003 is enclosed.

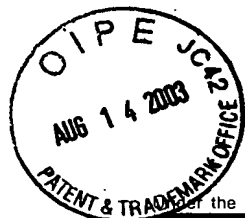
Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. James Barnes', written over a horizontal line.

D. James Barnes  
Registration No. 48,869  
Caterpillar Inc.

Telephone: (309) 494-1815  
Facsimile: (309) 675-1236

AF/3618



Please type a plus sign (+) inside this box



PTO/SB/21 (08-00)  
Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<h1>TRANSMITTAL FORM</h1> <p><i>(to be used for all correspondence after initial filing)</i></p>	<b>Application Number</b>	09/977,726	
	<b>Filing Date</b>	10/15/2001	
	<b>First Named Inventor</b>	James W. Landes ET AL.	
	<b>Group Art Unit</b>	3618	
	<b>Examiner Name</b>	Swenson, Brian L.	
<b>Total Number of Pages in This Submission</b>		<b>Attorney Docket Number</b>	01-521

ENCLOSURES <i>(check all that apply)</i>		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers <i>(for an Application)</i> <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group <i>(Appeal Notice, Brief, Reply Brief)</i> <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) <i>(please identify below)</i>  Statement of the substance of the interview: _____
Remarks		<div style="transform: rotate(-45deg);">             RECEIVED              AUG 19 2003              GROUP 3600           </div>

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	D. James Barnes, Registration No. 48,869
Signature	
Date	August 11, 2003

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope address to: _____			
Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on this date:			08/11/2003
Typed or printed name	D. James Barnes		
Signature		Date	8/11/2003

**Burden Hour Statement:** This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

\* \* \* COMMUNICATION RESULT REPORT ( JUL. 25. 2003 5:16PM ) \* \* \*

TTI INTELLECTUAL PROPERTY

MODE	OPTION	ADDRESS (GROUP)	RESULT	PAGE
22 MEMORY TX		917033057687	OK	11/11

## REASON FOR ERROR

E-1) HANG UP OR LINE FAIL  
E-2) NO ANSWERE-2) BUSY  
E-4) NO FACSIMILE CONNECTION**CATERPILLAR<sup>®</sup>****Facsimile Cover Sheet**

Total number of pages including cover sheet 11		Date July 25, 2003
To	Name Mail Stop AF Commissioner for Patents Department/Company United States Patent & Trademark Office Plant/Office/Address P.O. Box 1450, Alexandria, VA 22313-1450 Fax 703-305-7687	
From	Telephone 703-305-8163 Name D. James Barnes, Patent Attorney Reg. No. 48,869 Company Caterpillar Inc. Address 100 N.E. Adams Street City,State,Zip Peoria, IL 61629	



## Facsimile Cover Sheet

Total number of pages including cover sheet		Date
11		July 25, 2003
To ----->	Name	
	Mail Stop AF	
	Commissioner for Patents	
	Department/Company	
	United States Patent & Trademark Office	
	Plant/Office/Address	
	P.O. Box 1450, Alexandria, VA 22313-1450	
	Fax	Telephone
	703-305-7687	703-305-8163
From	Name	
	D. James Barnes,	
	Patent Attorney	
	Reg. No. 48,869	
	Company	
	Caterpillar Inc.	
	Address	
	100 N.E. Adams Street	
	City,State,Zip	
	Peoria, IL 61629	
	Fax	Telephone
	309-675-1236	309-494-1815

**RE:** Application No.: 09/977,726  
Filing Date: 10/15/2001  
First Named Inventor: James W. Landes  
Group Art Unit: 3618  
Examiner Name: Swenson, Brian L.  
Attorney Docket No.: 01-521  
For: APPARATUS AND METHOD FOR DATA  
COMMUNICATION

**Message:**

Please see the Attached Submission:

RESPONSE AFTER FINAL OFFICE ACTION AND  
REQUEST FOR WITHDRAWAL OF FINALITY  
OF THE OFFICE ACTION

**Confidential Communication**

This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged or confidential. If the reader of this message is not the intended recipient or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone(collect), and return the original message to us at the above address via the U.S. Postal Service. Thank you.